

AO 242 (Rev. 10/16) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA

2019 NOV 15 P 3:02

N.D. OF ALABAMA

Jacquelyn Howard on behalf of  
 Petitioner  
 (Full name)  
 of Darius A. Howard

-v-

Civil Action No. 7:19-CV-18100-  
 (to be filled in by the  
 Clerk's Office)

KOB:SHC

Taylor Hardin Secured Medical Facility  
 Respondent  
 (Name of warden or authorized person having custody of petitioner.)

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241****Personal Information**

1. (a) Your full name: Darius A. Howard
- (b) Other names you have used:
2. Place of confinement: 1406 8th Avenue Jasper, AL 35501
  - (a) Name of Institution: Taylor Hardin Secured Medical Facility
  - (b) Address: 301 Jack Warner Parkway  
Tuscaloosa, AL 35404
  - (c) Your prisoner identification number: \_\_\_\_\_
3. Are you currently being held on orders by:
 

Federal authorities     State authorities     Other – explain:  
Darius was sent to Taylor Hardin from WCI but un
4. Are you currently: not convicted of a crime

A pretrial detainee (waiting for trial on criminal charges)  
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you: \_\_\_\_\_

9. **Third Appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court:

Yes       No

(a) If "Yes," provide:

(1) Name of authority, agency, or court: The Senate thing

(2) Date of filing: happened, NO Response

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. **Motion Under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes       No Conviction + Commitment.

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?       Yes       No

If "Yes," provide:

(1) Name of court: Walker County Court

(2) Case number: \_\_\_\_\_

(3) Date of filing: Aug 13 2019 Court A

(4) Result: Dominus transferred to Taylor Hardin

(5) Date of result: Aug 14, 2019

(6) Issues raised: Dominus wasn't convicted of a crime nor was he court ordered by a probate judge to be placed there.

(b) Docket number of criminal case: \_\_\_\_\_

(c) Date of sentencing: \_\_\_\_\_

 Being held on an immigration charge

Other (explain) *Darius was held at the Waller County Jail over a year from July 20, 2018 until Aug 14, 2019 for a revised bond NEVER CHARGED OR CONVICTED OF ANYTHING & he transferred to Taylor Hardin for no reason*

5. What are you challenging in this petition:

 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits) Pretrial detention Immigration detention Detainer The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines) Disciplinary proceedings Other (explain) *I should have the right to take Darius to a facility of my choice for medical treatment*

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: *Taylor-Hardin of my choice for medical treatment*(b) Docket number, case number, or opinion number: *Secured Medical Facility, BCI Jack Warner Pkwy, Tresserence, NC*(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): *Darius was sent to Taylor Hardin without being convicted of a crime or without being court ordered by a private Judge.*(d) Date of the decision or action: *Aug 14, 2019*

#### Your Earlier Challenges of the Decision or Action

#### 7. First Appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes       No

(a) If "Yes," provide: *Filed a writ of habeas corpus against the Waller County Jail Aug 2018 & Judge Olt*

*Never made the Waller County Jail produce Darius before the court.*

- (1) Name of authority, agency, or court: US Northern District Fed Courts Judge Ott & Judge Clone
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result: NO results, Never made the Courts produce my son in Court
- (5) Date of result:
- (6) Issues raised:  
I wrote the courts several times on behalf of my son Dennis & NOTHING WAS EVER DONE!!

- (b) If you answered "No," explain why you did not appeal: \_\_\_\_\_  
\_\_\_\_\_

#### 8. Second Appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court:

Yes       No

- (a) If "Yes," provide:

- (1) Name of authority, agency, or court: US Northern District Fed Courts Judge Ott & Judge Clone
- (2) Date of filing:
- (3) Docket number, case number, or opinion number:
- (4) Result: NO results, This court failed my son
- (5) Date of result:
- (6) Issues raised: With a petition of writ of habeas corpus, they Courts are suppose to make the facility holding Dennis produce him in court in front of a judge, but this never happened. JUDGE OTT & JUDGE CLONE FAILED MY SON DENNIS A. HOWARD

- (b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_  
\_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence? *No, because I just kept getting the run around from the Clerk's Office & Judge Ott & his clerk & also Judge Clone's clerk Karen Humphrey's. I never got a response from Judge Clone himself (who was the rightful Judge in our case).*
- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: *Because the Court ignore my plea for help through the writ of habeas corpus that I filed. They never made the Court/jail (Walker County Ga) present Davarius before the Court.*

#### 11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes       No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes       No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
(2) Date of filing: \_\_\_\_\_  
(3) Case number: \_\_\_\_\_  
(4) Result: \_\_\_\_\_  
(5) Date of result: \_\_\_\_\_  
(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## 12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

- (a) Kind of petition, motion, or application: Writ of Habeas Corpus  
(b) Name of authority, agency, or court: United States Northern  
District Federal Building Courts  
(c) Date of filing: August 2012.  
(d) Docket number, case number, or opinion number: \_\_\_\_\_  
(e) Result: No results  
(f) Date of result: No results

(g) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:** Derrick Howard has not been convicted  
of ANY CRIME.  
\_\_\_\_\_

(a) Supporting facts (*Be brief. Do not cite cases or law.*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- (b) Did you present Ground One in all appeals that were available to you?

Yes       No

**GROUND TWO:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(a) Supporting facts (*Be brief. Do not cite cases or law.*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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(b) Did you present Ground Two in all appeals that were available to you?

Yes       No

**GROUND THREE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(a) Supporting facts (*Be brief. Do not cite cases or law.*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Did you present Ground Three in all appeals that were available to you?

Yes       No

**GROUND FOUR:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(a) Supporting facts (*Be brief. Do not cite cases or law.*): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(b) Did you present Ground Four in all appeals that were available to you?

Yes       No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Request for Relief**

15. State exactly what you want the court to do:

To release Dennis Howard  
my son to me, his mother so that I can  
seek medical/mental health treatment for  
him of my choice.

**Declaration Under Penalty of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system: \_\_\_\_\_

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: Aug 19, 2019

Jacquelyn Howard  
On Behalf of Dennis Howard  
*Signature of Petitioner*

*Signature of Attorney, if any*